

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: NICOT, Jerome; DENELLE, Nicole

SERIAL NO.: 10/519120

ART UNIT: 3732

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EXAMINER: Manahan, T.E.

TITLE: SELF-ADHESIVE WIG FLEXIBLE ELEMENT AND WIG EQUIPPED  
WITH SAME

TITLE: HEMORRHOID MASSAGE DEVICE (Continuation-in-Part)

Amendment A: REMARKS

Upon entry of the present amendments, previous Claims 1 - 10 have been canceled and new Claims 11 - 18 substituted therefor. Reconsideration of the rejections, in light of the forgoing amendments and present remarks, is respectfully requested.

In the Office Action, Claims 1 - 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Nakamura patent in view of the Betrabet patent.

As an overview to the present reply, Applicant has revised original Claims 1 - 10 in the form of new Claims 11 - 18. New Claims 11 - 18 express the original limitations in a more proper U.S. format, including proper antecedent bases and proper structural interrelationships throughout. Any indefinite terminology found in the original claim language has been corrected herein.

In particular, new independent Claim 11 incorporates the limitations of previous independent Claim 1, along with the limitations of previous dependent Claim 7. In particular, the preamble now recites "a wig assembly". The elements include the "cap" and the "plurality of flexible fabric strips". It is now stated that the flexible fabric strips are affixed "across the inside surface of the cap". The film of polysiloxane is indicated as contacting the human head when the head the cap is placed on the human head. Dependent Claims 12 - 16 correspond, respectively, to the limitations found in

previous dependent Claims 2 - 6. Dependent Claims 17 and 18 correspond to the limitations of previous dependent Claims 8 and 10, respectively.

Importantly, in the present invention, it is stated in paragraph [0014] on page 4 that:

The aim of the invention is achieved by producing a wig with an inner support or cap composed, at least in part, of flexible elements that stick to the wearer's skin and are composed of flexible fabric, coated at least on one side, with a thin coating or film of polysiloxane and positioned in such a way that it comes into contact with the wearer's skin, while wearing the wig.

In particular, as stated in paragraph [0016], these flexible self-adhesive elements allow real or false hair to be directly implanted onto the elements. The polysiloxane film affords an adhesive effect that increases over a short period of time, following contact with the skin, and the elastic properties of the flexible element are maintained over time and are not affected by frequent washing. Applicant respectfully contends that the features of the present invention are neither shown nor suggested by the prior art Nakamura or Betrabet patents.

The Nakamura patent describes a wig having a shape-retaining element. As stated by the Examiner, there is no suggestion of coating the inside surface of the wig with a film of "polysiloxane". In the Nakamura patent, the shape-retaining element (12) is made of a shape-memory alloy that has a transformation temperature higher than the surrounding temperature at a location between the surface of the user's head and the wig base during a period of time which the wig is worn on the head. As such, these strips 12 are in the form of small metal wires that conform to the shape of the head. When installed, these wires cannot be considered "flexible fabric strips". As such, illustrated in the drawings of the Nakamura patent, these shape-retaining elements extend for only a small portion on particular surfaces on the inside of the wig base. They do not extend

"across" the inside surface of the cap. In normal use, these shape-retaining elements do not provide a surface whereby a real or false hair can be attached directly thereto. Additionally, in contrast to the present invention, any elastic properties to the flexible element are not maintained over time. Quite clearly, it is the purposes of the shape-retaining elements to have a fixed structure when they are placed against the head. As such, the Nakamura patent does not show the structure of the present invention, as defined by Claim 11, nor does it show the advantages and results of the present invention.

The Betrabet patent describes a polysiloxane composition. It is stated in the Betrabet patent that such material can be adhered to the human skin. However, in the Betrabet patent, this material is described in column 5, lines 30 - 40, as follows:

The present invention relates generally to disposable absorbent products that are secured to the body of a wearer by a pressure sensitive adhesive. In one embodiment of the present invention, a disposable absorbent product is provided, which disposable absorbent product comprises a liquid-permeable topsheet, a backsheet attached to the topsheet, an absorbent structure positioned between the topsheet and the backsheet, at least one major surface adapted to be positioned adjacent a wearer's body, and a pressure sensitive adhesive composition of the present invention attached to said major surface.

As such, this particularly configured for use as a "sanitary napkin". This is quite different than the "wig assembly" of the present invention. Although the Betrabet patent does show the use of polysiloxane, there would be no reason to combine the teachings of the Nakamura patent with those of the Betrabet patent. Quite clearly, the Nakamura patent has a wire affixed to an inner surface of the wig base. Since the wire conforms to the head of the user, there would be no reason to apply the polysiloxane adhesive to such a wire. The combination of the Betrabet and Nakamura patent would

not provide a surface whereby real or false hair could be affixed thereto. The combination of the Nakamura and Betrabet patents would fail to show the "plurality of flexible fabric strips affixed across the inside surface of the cap". On this basis, Applicant contends that the teachings of the combination of the Nakamura and Betrabet patents would fail to show the present invention as defined by independent Claim 11.

Relative to the dependent claims, new dependent Claim 13 recites that the strip is stretchable "end-to-end and side-to-side". This structure is not shown in the prior art combination. The prior art combination would fail to show "a plurality of wefts" affixed to at least some of the plurality of strips, as recited in dependent Claim 17. Additionally, the prior art combination would fail to show the plurality of strands of hair "implanted directly onto the plurality of flexible fabric strips", as defined by dependent Claim 18. On this basis, Applicant contends that these dependent claims are also patentably distinguishable from the prior art combination.

Based upon the foregoing analysis, Applicant contends that independent Claim 11 now in proper condition for allowance. Additionally, those claims which are dependent upon Claim 11 should also be in condition for allowance. Reconsideration of the rejections and allowance of the claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

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Date	John S. Egbert; Reg. No. 30,627
	Andrew W. Chu; Reg. No. 46,625
Customer No. 24106	Egbert Law Offices
	412 Main Street, 7th Floor
	Houston, Texas 77002
	(713)224-8080
	(713)223-4873 fax